

HON. JOHN C. COUGHENOUR

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

SIERRA CLUB, a California nonprofit  
corporation; PUGET SOUNDKEEPER  
ALLIANCE, a Washington nonprofit  
corporation; RE SOURCES FOR  
SUSTAINABLE COMMUNITIES, a  
Washington nonprofit corporation;  
COLUMBIA RIVERKEEPER, a Washington  
nonprofit corporation; FRIENDS OF THE  
COLUMBIA GORGE, INC., dba FRIENDS  
OF THE COLUMBIA GORGE, an Oregon  
nonprofit corporation; SPOKANE  
RIVERKEEPER; NATURAL RESOURCES  
DEFENSE COUNCIL, a New York nonprofit  
corporation,

Plaintiffs,

v.

BNSF RAILWAY COMPANY, a Delaware  
corporation,

Defendant.

CIVIL No. 2:13-cv-00967-JCC  
(consolidated with No. 2:14-cv-00660)

STIPULATION OF VOLUNTARY  
DISMISSAL UNDER FED. R. CIV. P.  
41(a)(1)(A)(ii)

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiffs Sierra Club, et al. (hereinafter,

“Plaintiffs”) and Defendants CIT Group, Inc. (hereinafter “CIT Group”) and BNSF Railway Co.

STIP OF VOL. - 1  
DISMISSAL OF CIT  
2:13-cv-00967-JCC

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*Additional Plaintiffs’  
counsel on signature page*

hereby stipulate and notify this Court that Plaintiffs voluntarily dismiss CIT Group from the above-captioned matter, pursuant to the terms below:

1. Based on CIT Group's representation that it does not own or lease rail cars, Plaintiffs agree to voluntarily dismiss their claims against CIT Group in *Sierra Club, et al. v. BNSF Railway Co. and CIT Group, Inc.*, Case No. 13-cv-00967-JCC (W.D. Wash.) with prejudice.
2. The release identified above in ¶ 1 does not apply to any subsidiaries of CIT Group that may own or lease rail cars that transport coal or petroleum coke.
3. CIT Group agrees not to seek recovery of attorneys' fees or costs from Plaintiffs that were incurred in defending Plaintiffs' claims against CIT Group in *Sierra Club, et al. v. BNSF Railway Co. and CIT Group, Inc.*, Case No. 13-cv-00967-JCC (W.D. Wash.).

DATED this 10th day of August, 2015.

/s/ Charles M. Tebbutt  
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STIP OF VOL. - 2  
DISMISSAL OF CIT  
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/s/ Jessica Yarnall Loarie

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STIP OF VOL. - 3  
DISMISSAL OF CIT  
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CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2015, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record who receive CM/ECF notification at the e-mail addresses below:

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